

**METROPOLITAN AREA PLANNING COMMISSION**

**MINUTES**

**May 23, 2002**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, May 23, 2002, at 1:30 P.M., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair; Bud Hentzen, Vice-Chair; Ron Marnell; Don Anderson; Bill Johnson; Harold Warner; Frank Garofalo; Ray Warren; Kerry Coulter; James Barfield; David Wells; John McKay, Jr.; Elizabeth Bishop and Dorman Blake. Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Stephen Banks, Senior Planner Land Use Research and Rose Simmering, Recording Secretary.

1. **Approval of the MAPC minutes for April 18, 2002.**

**MOTION:** That the minutes for April 18, 2002 be approved.

**MICHAELIS** moved, **MARNELL** seconded the motion, and it carried (9-0).

2. **Consideration of Subdivision Committee Recommendations**

2/1. **DED2002-00015** – Dedication of Street Right-of-Way, from Steven Enterprises, LLC, Brandon Steven, generally located north of Second Street North and east of West Street.

**CASE NUMBER:** DED 2002-15 -- Dedication of Street Right-of-Way from Brandon Steven, Steven Enterprises, LLC, for property located north of Second Street North and east of West Street.

**OWNER/APPLICANT:** Brandon Steven, Steven Enterprises, LLC, 455 N. Broadway, Wichita, KS 67202

**AGENT/ATTORNEY:** Robert Kaplan, 430 N. Market, Wichita, KS 67202

**LEGAL DESCRIPTION:** The west 300 feet of Lot 38, except the north 63 feet, Knight Acres Addition, Wichita, KS, Sedgwick County, Kansas.

**PURPOSE OF DEDICATION:** This Dedication is a requirement of Conditional Use Case No. CON 2002-00005, and is being dedicated for an additional 20 feet of street right-of-way along West Street.

Planning Staff recommends that the Dedication be accepted.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**HENTZEN** moved, **ANDERSON** seconded the motion, and it carried (9-0).

2/2. **DED2002-00016** – Dedication of Access Control, from Steven Enterprises, LLC, Brandon Steven, generally located north of Second Street North and east of West Street.

**CASE NUMBER:** DED 2002-16 -- Dedication of Access Control from Brandon Steven, Steven Enterprises, LLC, for property located north of Second Street North and east of West Street.

**OWNER/APPLICANT:** Brandon Steven, Steven Enterprises, LLC, 455 N. Broadway, Wichita, KS 67202

**AGENT/ATTORNEY:** Robert Kaplan, 430 N. Market, Wichita, KS 67202

**LEGAL DESCRIPTION:** The west 300 feet of Lot 38, except the north 63 feet, Knight Acres Addition, Wichita, KS, Sedgwick County, Kansas.

**PURPOSE OF DEDICATION:** This Dedication is a requirement of Conditional Use Case No. CON 2002-00005, and is being dedicated for access control, except for two openings, along West Street.

Planning Staff recommends that the Dedication be accepted.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**HENTZEN** moved, **ANDERSON** seconded the motion, and it carried (9-0).

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2/3. **Lot Split SUB2002-06** - Modification of Lot Width to Depth Ratio for Lot 10, Spurrier's LaHoma Acres Addition.

**METROPOLITAN AREA PLANNING DEPARTMENT**

**ITEM NO. 2-3**

**DATE:** May 23, 2002  
**TO:** Metropolitan Area Planning Commission  
**FROM:** Neil Strahl, Senior Planner, Planning Department  
**SUBJECT:** Modification of Lot Width to Depth Ratio for Lot 10, Spurrier's LaHoma Acres Addition  
(Lot Split No. SUB 2002-06)

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This site is located on the east side of Greenwich Road and north of Pawnee, and encompasses the division of Lot 10 into 2 lots.

**The required lot width to depth ratio of 2.5 to 1 is exceeded and a modification from the Metropolitan Area Planning Commission is requested.**

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**HENTZEN** moved, **ANDERSON** seconded the motion, and it carried (9-0).

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3/1. **VAC2002-00012** – Request to vacate an alley, generally located northwest of the Harry and Washington intersection (928 E. Harry).

**OWNER/APPLICANT:** Duane E & Billy J Denny

**AGENT:** Morris & Hecker, LLA c/o Ken W Dannenberg

**LEGAL DESCRIPTION:** Platted 10-ft (x) 155-ft alley abutting the west side of Lot 12, Wayside Addition and the east side of Lot 12 and a portion of Lot 11, Blk 5, Perry Addition and the platted 20-ft (x) 155.75-ft alley abutting the north sides of Lots 7-12, Wayside Addition and a portion of the south side of Lot 1, Blk 5, Perry Addition.

**LOCATION:** Generally located northwest of the Washington Av S – Harry St intersection.

**REASON FOR REQUEST:** The applicant proposes to build a car wash.

**CURRENT ZONING:** Subject property and adjacent properties are zoned "LI" Limited Industrial

The applicants are requesting the platted 20-ft (x) 155-ft (running west to east) and the 10-ft (x) 155-ft (running north to south) alleys be vacated. The alleys were dedicated on the Wayside Subdivision. Reversion rights of the alley from Public ROW to private property will go to the applicant, who owns the lots abutting the alley in the Wayside Subdivision. The vacation of the alley would extend the applicants' property lines to include the entire width and length of the two alleys. The setback lines are based on the current UZC setbacks for "LI" zoning, which provides no rear or street side set backs and a 20-ft front setback. No interior side setback, unless a minimum of 5-ft is provided. The vacation of the alley would move the setbacks with the property lines. All abutting property owners have agreed to vacate the alley.

The Subdivision Committee recommended approval, 4-1, of the vacation request, but removed 2 of Staff's recommended conditions;

Dedication of 10-ft of ROW for Harry Street. Contingent dedication of an additional 10-ft of ROW for Harry upon the widen of Harry Street. These dedications will bring Harry Street up standards for a section line road.

Dedicate 5-ft of ROW for Washington Street.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time April 26, 2002, which was at least 20 days prior to this public hearing.

2. That private rights will not be injured or endangered by the vacation of the above-described platted alleys and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the platted alleys described in the petition should be approved subject to the following conditions:

- (1) Retain the 10-ft alley running north to south as a utility easement.
- (2) Dedicate by separate instrument an additional 10-ft for a utility easement to run parallel and adjoin the 10-ft alley, retained as an easement, running north to south.
- (3) Dedicate complete access control off of Harry Street except for one opening. The access can be at the north to south alley location, the existing access off of Harry into the current parking or an access point that is approved by the City Engineer. Any current points of access (alley or point of access into parking) not to be used must be guaranteed to be closed.
- (4) Dedicate complete access control off of Washington Street except for one opening. West to east alley will be the point of access. Guarantee the closure of the existing access point off of Washington, which now dead-ends into the existing vacant structure.
- (5) Provide a covenant, to be recorded with the Register of Deeds, to tie all lots of the site into single ownership.
- (6) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (7) All improvements shall be according to City Standards.

BILL LONGNECKER, Planning Staff, presented the staff report asking for the following dedications:

1. Retain the 10-ft alley running north to south as a utility easement
2. Dedicate by separate instrument an additional 10-ft for a utility easement to run parallel and adjoining the 10-ft alley, retained as an easement running north to south
3. Per Public Works, dedicate 20 feet on Harry Street and 10 feet on Washington for street ROW.

HENTZEN Is there a CIP for the widening of this area? Is it in there?

LONGNECKER No, it is not in there

HENTZEN Ten foot now and 10 foot later on for Harry Street. Have you offered the owner anything?

LONGNECKER No.

JOHNSON Ten feet with contingent dedication for another 10 feet, is there a need ? Why not do a 20 foot now? Why wait?

LONGNECKER The approach is that within the next 10 yrs no plans to widen Harry Street exist, however, Public Works did not want to place anymore of a hardship on developing this property on the applicant at this time. When we plat properties we have required dedication of right-of-way as a condition of the platting process.

JOHNSON Sixty feet of right of way on Harry?

LONGNECKER Sixty feet at this point.

KROUT I think staff would be flexible with the applicant about a contingent dedication, in consideration that buildings in older areas are generally built closer to the property line. There are going to be needs for utilities as well as street right-of-way. We haven't been given a site plan to see why this is a hardship at this time, and why it is not possible to put a car wash on this property now without contingent right of way. It might be appropriate to request the Commission to defer this item.

HENTZEN My business is not too far from there. Almost all of the properties on the north and south side of Harry are built right up to the sidewalk, and I assume the sidewalk is on public property. I asked because it is going to affect almost all of the businesses on both sides of the street, and to take this man's property now because of sometime we might do sometime is a mistake.

KEN DANNENBERG, Morris & Hecker, agent for the applicant: What is the hardship about the contingent right-of-way. The applicant is being asked to give up property without any compensation. The City has come to us at the last minute. No one has discussed this with the applicant. The Public Works people have had ample time to work with us. We have consent from the adjoining property owners. The vacation of the alley is not going to be a hardship to the City. The applicant has consented to all of the conditions except the taking of the property from the applicant. This is a petition to vacate the alley. Why are we looking this?

GAROFALO Has the Fire Department been consulted?

DANNENBERG I don't know.

LONGNECKER Yes fire was consulted about vacating the alley. They did not raise any objection to vacating the alley. It should be pointed out this alley had gone clear up to Boston and was vacated a long time ago.

WARREN Subdivision was bothered by the fact that we were sent a mailing that didn't have these conditions in it. We saw this as a simple request. Staff is asking for a taking of property that staff wants. The applicant wants to vacate the alley and staff says you want this and we want the dedication of the street right-of way.

JOHNSON Additional right-of-way and give the additional property. The setbacks were discussed heavily.

WARNER The setback for the car wash has to be enough to load 4 or 5 cars. I didn't see the hardship, so I voted against it in subdivision.

**MOTION:** Approve per the recommendation of the Subdivision Committee.

**ANDERSON** moved, **WARREN** seconded the motion.

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WARREN To accept the Subdivision Committee request? Is that the motion? Yes?

BISHOP I assume that means that the dedication and the contingent dedication are deleted? I have a follow-up question. Does that mean if the development goes forward and that area is needed for widening Harry, does that mean the business will be affected? Build now and tear down later? It seems some dedication is some foresight if that is indicated for a section line road. It is probably going to happen. I live in a section of Harry that has been widened.

WARREN The only condition recommended by Subdivision was the 10 foot easement for sewer.

**FIRST SUBSTITUTE MOTION:** To defer the case to have Public Works and Planning see if they can make things work better with the applicant

**GAROFALO** moved, **BISHOP** seconded the motion.

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ANDERSON At Subdivision we decided at some point the City may need this property, and to hold these people up I think is ridiculous because the City may at some time widen Harry Street. I think we need to approve what Subdivision has recommended.

KROUT In response to the last statement, that is planning – it is part of what you do in the Subdivision process everyday. We may need that property. This is a public hearing. This is not a taking of a piece of property without compensation. Ask Joe Lang. I don't know if the applicant has thought about this, but we do have landscape requirements along the front of the streets and I think the MAPC has seen where we have talked about the idea of being more flexible to preserve the future right-of-way. There is a win-win here, and we would be more flexible with the landscaping if the applicant would sit down with us and work things out.

HENTZEN I believe the applicant has tried to work with the City. I don't know what Joe Lang is going to say, but I can guess he is going to tell us that MAPD wants it done and that this is what you should do.

JOHNSON I would like to hear what Joe has to say.

JOE LANG, Law Department, no you don't have to do what the MAPD wants. Is it legal and appropriate? A vacation is what you are looking at. The City has an absolute rights to say no to the vacation. We want to work out some dedication for some right-of-way. It is appropriate.

JOHNSON Alley previously and a utility now. Are they giving anything up?

LANG The alley is something that the City has and the applicant wants. The City is willing to do this given a dedication of street-right-of-way.

BARFIELD Joe, are we taking the applicant's property?

LANG This would not be an illegal taking without compensation.

WARREN I have a lot more sensitivity for the applicant than about what the City is giving up. The City is not really giving up anything. They are giving back land the landowner had already paid for and then gave up to the City. I disagree.

**VOTE ON THE SUBSTITUE MOTION FAILED** (4-10) **BLAKE, GAROFALO, BARFIELD, BISHOP** voted for deferral.

**SECOND SUBSTITUTE MOTION:** Contingent 20-foot dedication along Harry and a 10-foot contingent dedication along Washington, in addition to the 10-foot utility easement along the west side of the property.

**WARNER** moved; **BISHOP** seconded.

HENTZEN I like to point out that I don't think we can have two substitute motions at the same time.

JOHNSON Bring the applicant back up please.

DANNENBERG We are opposed to the dedication. I think the applicants have gone through all of the hoops. It is still taking property that is not related to vacating the alley. This alley does not serve the City.

JOHNSON You understand there will be some landscape requirement. How do you feel about this contingent dedication?

WELLS Have you done a site plan? Does it work if you lose the 20 feet of right-of-way?

The applicants indicated from their chairs their car wash plan would not work.

BISHOP If the site plan won't work with the 20 feet of right-of-way, does that mean the business is destroyed? To build one year and tear down the next doesn't make sense.

MICHAELIS The staff said it is not going in the CIP for 10 years.

KROUT That's not exactly true. There is a category called Intersection Improvements in the CIP. The first 3 years are identified, but beyond that the priorities are not there. The projects not been established specifically. There is a very good chance this intersection will be improved in that timeframe.

**VOTE ON THE SECOND SUBSTITUTE MOTION CARRIED (8-6) (MARNELL, WARREN, MICHAELIS, HENTZEN, ANDERSON and JOHNSON voted in opposition).**

ANDERSON How will this be presented to City Council?

KROUT Our policy is on "consent" items, if there is opposition from the neighbor or the applicant, it probably will not be a "consent" item.

WELLS Is there a reason why they were notified late?

KROUT We have a Traffic Engineer that has been on board just one month, and he may have missed the Friday afternoon pre-agenda meeting.

WELLS I think we ought to show more courtesy to the applicant.

KROUT I understand. That is not the way Subdivision usually operates.

WARREN I think we just killed a project and I don't think the applicant can live with these conditions.

4. **CON2001-00069** - KRC, LLC c/o Jeffery Johnson requests a Conditional Use to allow portable rock crusher on property described as:

Lot 3, Burlington Northern Industrial Center, Wichita, Sedgwick County, Kansas. Generally located on the west side of Ohio Street approximately ¼ mile north of 29<sup>th</sup> Street North.

**BACKGROUND:** A Conditional Use is being sought to allow a rock crusher on property zoned "GI" General Industrial. The site is located approximately ½ mile north of 29<sup>th</sup> Street North on the west side of Ohio (see attached site plan). The application area is approximately 4.80 acres in size, and is platted as Lot 3, Burlington Northern Industrial Center Addition. The applicant also owns the 11.4 acres located immediately south of the application area (Lot 2, Burlington Northern Industrial Center Addition). These two lots are separated by a drainage easement. The applicant is one of the contractors reconstructing I-135 and the I-135 - 21<sup>st</sup> Street North interchange. The highway project will generate significant amounts of material to be crushed. The application area is conveniently located within two miles of the job site. Also, the applicant intends to locate a concrete plant on Lot 2. Lot 2 is already zoned "GI" and permits the concrete plant as a "use by right." A rock crusher located on Lot 3 would be an additional convenience in operating the concrete plant. Material ran through the crusher can be used by the concrete plant. The applicant has indicated that the concrete plant will be located on Lot 2 regardless of the outcome of the Conditional Use request for the rock crusher.

As indicated on the site plan, two access points off of Ohio are proposed for the lot on which the rock crusher is to be located. These access points have been installed. Currently there are aggregate piles located on the site. The site plan depicts landscaping and berms to be located along the east and north property line. The rock crusher would be located in the east-center portion of the site as there is a pipeline easement and a drainage easement located in the western half of the site. The applicant indicates that the rock crusher will be needed through early summer 2003. The applicant currently has the rock crusher located within K-DOT right-of-way during the first year (spring 2002 – spring 2003) of the highway project. During the second year (2003) of the project, the rock crusher would be moved to the application area, and run for 20, non-consecutive, days out of that year, generally late spring through early summer. Hours of operation for the crusher are generally 7:00 A.M. to 5:00 P.M. Monday through Friday. Average Daily Trips to be generated by the rock crusher have not been determined.

Properties immediately surrounding the application area are undeveloped and zoned "GI", except for two exceptions. The first exception is the applicant's abutting property located on the south. This property is currently being developed with a wet batch concrete plant. The second exception is the property located immediately to the north. This is being developed as an adult soccer field by the City Park Department. The Park Department plans to have the soccer field in use by the spring of 2003. Beyond the site's immediate area the zoning is "GI" and developed as manufacturing, warehousing, grain elevators and shipping and receiving facilities. Included in this area is the Bridgeport Industrial Park. The newest development in the surrounding area is located west of the site, across the railroad tracks: the York manufacturing facility. There are plans for another expansion in the near future.

The Park Department has received calls from groups that will be using the adult soccer fields expressing opposition to the proposed rock crusher being located next to their playing fields. Concerns identified to date include: noise, dust, truck traffic and extended hours of operation. The applicant has had discussions with the Park Department in regards to these issues. The soccer field should be ready for use in the spring of 2003. The season will be from Easter to Thanksgiving. Use of the soccer fields during the season will be, games every Sunday from 9AM – 7PM and practice Monday & Tuesday, 6PM to dusk. There appears to be no conflict between the use of the soccer fields in 2003 and the 4-week conditional use for the crusher. The Planning Staff has met with the Environmental Health and Code Enforcement Staff who have indicated that concrete plant will create more emissions than the rock crusher, in consideration of the year round operation of the plant versus the 4-week operation period of the crusher.

DAB VI recommended the Conditional Use, 8-1, at their May 11 meeting per Staff's conditions and modification in regards to having the landscaping and berms in place within 60 days of approval of the Conditional Use and specifying that the 20 days of operation for the rock crusher are not consecutive days. The Board of Park Commissioners voted to approve the Conditional Use, 7-0, at their May 13 meeting, per Staff's conditions and the noted modifications recommended by DAB VI.

**CASE HISTORY:** The Burlington Northern Industrial Addition was recorded with Sedgwick County October 17, 1984. The property was undeveloped prior to its platting, but recently has been scraped and has aggregate piles on it.

**ADJACENT ZONING AND LAND USE:**

SOUTH: "GI" General Industrial	Undeveloped, Industrial Park, Small business, RR ROW, Grain elevators
NORTH: "GI" General Industrial	Park, Warehouse, Undeveloped Shipping & Receiving
EAST: "GI" General Industrial	Undeveloped, burrow pit
WEST: "GI" General Industrial	Manufacturing, Warehouses Grain elevators

**PUBLIC SERVICES:** The site and the abutting concrete plant is accessible from Ohio, a paved 2-lane road. Traffic to and from the site can go to either 29<sup>th</sup> or 37<sup>th</sup> Streets North, both 4-lane arterials, which provide access to I-135. The nearest intersection with a record of Average Daily Trips (ADT) is at Hydraulic & 37<sup>th</sup> Street North: just east of the I-135 – 37<sup>th</sup> Street North interchange. ADTs north of the intersection are 2,656, ADTs south of the intersection are 6,825, ADTs west of the intersection are 5,871 and ADTs east of the intersection are 5,134. K-DOT is currently improving the I-135 – 21<sup>st</sup> Street North interchange. There are approximately 61,000 ADTs in this section of I-135 off of 21<sup>st</sup> Street North. There is gas, water, sewer and electricity for the site.

**CONFORMANCE TO PLANS/POLICIES:** The Comprehensive Plan identifies this property as Industrial. Industrial location guidelines indicate that development is to be evaluated on characteristics of the individual use, nature of the emissions, the surrounding uses and zoning districts and the degree of compatibility with adjacent uses. The Unified Zoning Code requires a Conditional use for "Rock Crushing" in all residential zoning districts, in "GO", "NR", "LC", "GC", "CBD", "LI", and "GI" zoning districts. The Site is zoned "GI" which permits a wide range of uses, including the most intense uses permitted. The code anticipates that uses such as the rock crusher might be appropriate in an industrial area. The site is just outside the 'Urban Renewal General Land Use Plan, 1976' guidelines, which encourages industrial activities that are, typically contained within structures. The 'Urban Renewal General Land Use Plan, 1976' is adjacent to the site on the north, south and west sides.

**RECOMMENDATION:** Based on the information available prior to the public hearing, and considering the proximity of the site to the I-135 project, the limited duration for which the rock crusher is needed and the symbiotic relationship between the concrete plant and the rock crusher, staff recommends the application be APPROVED, with the following conditions.

1. Submit a revised site plan to be approved by the Planning Director. The plan will show circulation and parking between the concrete plant site and the rock crusher and location of aggregate piles and all other improvements to the site.
2. All internal circulation and ingress – egress to be watered during hours of operation or treated with a product to minimize blowing dust and/or surfaced with an approved all weather surfaces.
3. Submit a revised Landscape Plan to be approved by the Planning Director. A berm, 20-ft wide and 10-ft high to be placed along the north property line of the site. The berm, will be planted in grass and Conifer trees, a minimum of 5-ft in height and planted every 15-ft. on top of the berm. A 6-ft high berm, 10-ft wide will be placed along the east and west property lines and planted with grass and Conifer trees, a minimum of 5-ft in height and planted every 15-ft. on top of the berm. Berms will not be in any easements. Landscaping shall be completely installed prior to operation of the crusher and shall be developed according to the approved Land Scape Plan. All landscaping will be maintained as required in the Landscape Ordinance.
4. A drainage plan must be submitted and approved by the City Engineer.

5. All aggregate piles will be no higher than 20-ft and watered as necessary to minimize blowing dust. Capacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility cannot exceed opacity as determined by the Wichita Environmental Health – Air Quality Staff and the Kansas Air Pollution Control Regulations.
6. Any stockpiling of fuels or chemicals on this site must be approved by the Health Department.
7. The applicant shall meet all permitting, reporting and operating requirements as necessary per the local, state and federal levels prior to any crushing activities on this site.
8. The level of noise generated by the rock crusher shall not exceed community standards as specified by City Ordinance and determined by the Wichita Environmental Health Department.
9. The operation of the crusher is limited to 4 weeks beginning in the late spring – early summer of 2003. The applicant shall notify the Permits and Planning Staff when that 4-week period begins. Hours of operation will be 7 AM – 5 PM Monday – Friday. No operation of the crusher is permitted during weekends or State or Federal Holidays
10. Any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the surrounding area is zoned "GI" General Industrial. The immediate surrounding area is developed as shipping and receiving facilities, manufacturing, Railroad ROW, some undeveloped property, a concrete plant and a park.
2. The suitability of the subject property for the uses to which it has been restricted: Industrial development on the site as currently zoned "GI" is likely. The area around the site is zoned "GI" and recent development of the York Facility and the concrete plant in the area indicates likelihood of some type of industrial development. Rock crushers are typically located next to concrete – asphalt – recycling plants, but are not a necessary operation feature.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Typically crushers are located in more isolated areas along the fringe of the City limits. Successful (in terms minimizing the negative impact on the immediate area with traffic, dust and noise) examples being the rock crushers at the K-96 – Hillside interchange and the K-96 – 37<sup>th</sup> Street North interchange. Less successful would be the one located at K-15 – 31<sup>st</sup> Street South. What contributes to a successful location is a somewhat isolated industrial location coupled with major physical barriers around it (the Big Ditch or other extensive drainage and freeways), having similar uncontained activity (the land fill) in the area and immediate access to freeways or major arterials. The applicant's proposal to use the site for only 4 weeks coupled with landscaping and berms would minimize its impact on the area, in particularly to the abutting park property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for "Rock Crusher", on "GI" General Industrial is a Conditional Use per the WSC Unified Zoning Code. The Comprehensive Plan recommends the best use for this area as Industrial.
5. Impact of the proposed development on community facilities: I-135 improvements represent a critical enhancement not only to local traffic, but also to regional and national traffic. I-135 provides is the link from I-35 and I-70. A strategically located rock crusher will facility the completion of this project in an efficient manner in regards to time allowed for the project, the cost of the project and localizing the job traffic of the project.

LONGNECKER Indicated that the applicant and representatives of the Hispanic Adult Soccer League both supported deferring this item for 4 weeks, to allow further discussion.

MICHAELIS To defer for 30 days?

**MOTION:** To defer for 30 days.

**MICHAELIS** moved, **ANDERSON** seconded the motion, and it carried (14-0).

7. **ZON2002-00014** – Jerry R. Elmore request a zone change from "LI" Limited Industrial to "GC" General Commercial on property described as:

Lots 12, 13, & 14, Block 14, Franklin Yikes Addition, Wichita, Sedgwick County, Kansas. Generally located North of Figg and west of Handley.

**BACKGROUND:** The applicant is requesting "GC" General Commercial zoning on Lots 12, 13, & 14, Block 14, Franklin Yikes Addition. The applicant lives in an approximately 1,100 square-foot single-family residence on the site. The applicant proposes to build a 720 square-foot garage. The current zoning is "LI" Limited Industrial. Single-family residential use is not a permitted use or a conditional use in "LI" zoning, this makes the current single-family residence a nonconforming use. Enlargement and expansion of a nonconforming use within an existing nonconforming structure or into a separate structure can be up to a maximum of 30% of the

floor area of the existing nonconforming structure. The maximum expansion allowed, based on the applicant's nonconforming structure's floor area would be approximately 300 square-feet. Single-family residential use is permitted by right in "GC" zoning.

The area around the subject property is zoned "LI" and is developed primarily as warehouses, contractor yards, manufacturing, shipping and receiving and some retail or wholesale businesses. There are some undeveloped properties in the area. There is infrequent, scattered, established housing within the "LI" zoning that appears, as far as Staff can determine, to pre-date the zoning of this area into "LI" zoning. The only exception to the "LI" zoning of the area is approximately 80-feet southeast of the site, where the corner of Handley and Figg is zoned "GC" General Commercial. The "GC" zoning for this site was approved in the 1950's, according to the earliest record Staff, could find on zoning maps. The structure and use on the "GC" lot is single family residential. Another request for Commercial zoning, Z-2938, was deferred and closed without the change in 1989. Developments abutting or adjacent to the site include a scrap yard to the south, an office to the north, a contractor's yard to the west, and another contractor's yard and a vacant lot to the east.

**CASE HISTORY:** The property was platted as the Franklin Yikes Addition, in 1887. The property and roughly an area, ½ block west of Seneca, to the Arkansas river, to Harry and then following the railroad tracks going north and south was zoned Industrial in 1921.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"LI" Limited Industrial	business - office
SOUTH:	"LI" Limited Industrial	scrap yard
EAST:	"LI" Limited Industrial	contractor's yard,
	"GC" General Commercial	single-family residential
WEST:	"LI" Limited Industrial	contractor's yard

**PUBLIC SERVICES:** The property is located along Handley Street, a paved residential street. Public water and sewer services are available.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as being "industrial, transportation, utility, communication" and "commercial". The area is primarily developed as industrial, with the exception of infrequent scattered single-family residential and wholesale development. The request for "GC" zoning conforms to the Comprehensive Plan for this area.

**RECOMMENDATION:** Approve the request for "GC" zoning. Staff and the MAPC in the past have supported request by single-family home owners whose homes pre-date the industrial zoning they are located in and wish to expand onto the now nonconforming use – structures. The request for "GC" zoning would not restrict or inhibit the development of "LI" zoned property in the adjacent area.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is in a developed industrial area. All of the zoning is "LI", with the exception of the "GC" zoning located southeast of the site. The scattered existing single-family residential development in the "LI" zoning appears to pre-date the area's 1921 zoning change to industrial.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed for industrial use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the zoning change to "GC" would not inhibit or restrict the permitted uses of the "LI" zoning district, including the vacant property on the east side of Handley, which faces the site.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The zoning change request would allow improvements to be made to a home that pre-dates the industrial zoning it is located in and not restrict the future development of this area into the predominately recommended industrial development and the less prevalent commercial development.
5. Impact of the proposed development on community facilities: Water and sewer would not be negatively impacted by the zoning change. Traffic would not be affected.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MCKAY** moved, **HENTZEN** seconded the motion, and it carried (14-0).

6. **ZON2002-00020** – Greg & Pam Collins request a zone change from "SF-5" Single-Family Residential to "MF-18" Multi-Family Residential on property described as:

Lot 3, Gresham Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located Northwest of the West-Central Intersection.

**BACKGROUND:** The applicant is requesting "MF-18" Multi-Family Residential zoning on Lot 3, Gresham Addition, 713 Colorado Court. There is currently a duplex on the site. The applicant proposes to build another duplex on the site and resolve the status of



the current duplex. The current zoning is "SF-5" Single-Family Residential, which does not allow a duplex. This makes the duplex either an illegal or a nonconforming use. Enlargement and expansion of a nonconforming use is restricted by the code. The current site (Lot 3) is approximately 10,500-square feet in size. "MF-18" zoning requires 2,500 square-feet per dwelling unit for multi-family uses. The site will permit a total of 4 dwelling units. The construction of another two units on the site will trigger parking requirements as well as location of the proposed additional building outside of any setbacks and easements. The proposed two units should match the building materials of the existing duplex; the outer walls are brick.

The area around the subject property is primarily zoned "LC". There is a restaurant – tavern abutting the site on the south and retail southeast of the site on the corner of Colorado Court and Central. There are some undeveloped "LC" properties east of the site, across Colorado Court, which was rezoned, Z-0476, from "B" Multi-family to "LC" in 1963. There is also undeveloped "LC" zoned property abutting the site on the west. There is a 4-plex with "MF-29" zoning abutting the site on the north. This abutting property was zoned "RB" 4-family residential in 1974 to allow a 4-plex to be moved onto it. BZA 18-74 allowed a variance to reduce the front setback of "RB" zoning from 30-feet to 20-ft for off street parking on this abutting property. The "RB" zoning district was changed to "MF-29" in 1996. North of the "MF-29" is a lot zoned "SF-5".

**CASE HISTORY:** The site was platted as the Gresham Addition, April 14, 1954. There were 13 lots platted on the addition, 10 around Colorado Court and 3 abutting West Street. Lots ranged from approximately 9,000 square-feet to 12,600 square-feet.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"MF-29" Multi-Family Residential	4-plex
	"SF-5" Single-Family Residential	Single-family
SOUTH:	"LC" Limited Commercial	restaurants, fast food, tavern, retail
EAST:	"LC" Limited Commercial	retail, undeveloped
WEST:	"LC" Limited Commercial	undeveloped

**PUBLIC SERVICES:** Colorado Court is an unimproved, gravel cul-de-sac. Colorado Court is located one block west of the Central Avenue– West Street intersection and is approximately 300-feet long. Public water and sewer services are available.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as being "low density residential" abutting or partially in "commercial". The immediate area is a mix of undeveloped and developed "commercial", "high density residential", developed as a duplex and a 4-plex, and "low density residential" developed as single family residences.

The Comprehensive Plan's "Residential Locational Guidelines" of for medium and high density residential state that such uses should be (1) transitional land uses between commercial and low density uses, (2) allocated to within walking distances of neighborhood commercial centers and public transportation routes, (3) directly accessible to arterial or collector streets. The proposed zoning change to "MF-18" from "SF-5" does meet these criteria.

**RECOMMENDATION:** APPROVE the request for "MF-18" zoning with a street "no protest" agreement

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is in an area of primarily "LC" zoning with the exception of the lot abutting the site on its north being zoned "MF-29" and the lot north of it being zoned "SF-5". The "MF-29" zoning is developed as a 4-plex and the lot with "SF-5" zoning has a single-family residence on it. The "LC" zoning is developed along the Central Street frontage and not developed on the properties that do not have Central frontage. The "LC" zoning is on the south, west and east - northeast sides.
2. The suitability of the subject property for the uses to which it has been restricted: The site is an isolated "SF-5" lot, with a nonconforming or illegal duplex on it. With non-residential zoning on three sides and the high-density residential zoning on the remaining side, it is unlikely the site will be developed as single family residential. With duplex zoning or proof of legal non-conforming status, the site could continue as developed.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The negative affect of approving the zoning change to "MF-18" on nearby properties would be minimal, given the fact that the surrounding properties are zoned for uses as intense or more intense than the zoning requested by the applicant.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The zoning change request would serve as buffer and transition point between the single family residences north of the area and the commercial uses on the "LC" properties adjacent to Central.
5. Impact of the proposed development on community facilities: Water and sewer would not be negatively impacted by the zoning change. Traffic would be minimally affected.

ARTHUR SHERWOOD, Applicants. We are in agreement with the staff recommendations, we want to bring the duplex up to code, and staff has recommended approve as well. The duplex that is there is there and we will just build behind it.

LONGNECKER The parking will be behind the setback, and we have 1.25 parking spaces per unit and 1.75 for 2 bedroom units. The applicant is getting the parking out of the front setback and putting it in the back.

BISHOP I have a question from the DAB memo about the covenant?

LONGNECKER The applicant owns both properties, he wants to hold them separately as they are right now. I didn't see how we could tie them together as a covenant. The MF-18 will bring the parking into compliance. When Colorado Court gets paved the applicant will not protest the pavement assessment. Most of the DAB concerns were about the parking and the surfaces being paved and getting it out of the setback.

BARFIELD Allow construction of two additional units?

LONGNECKER Bedroom, kitchen, a unit is a living area. The applicant has been working with staff to get this done and meet all the requirements.

ROBERT KANE 1301 E 9<sup>TH</sup> In Newton, Kansas. Has concerns about the parking

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MICHAELIS** moved, **BARFIELD** seconded the motion, and it carried (14-0).

5. **ZON2002-00023** –Hammitt T. Pinaire (owner/applicant); Austin Miller, PA c/o Kim Edgington (Agent) requests zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on property described as:

Lot 5 and 6, Block G, Westerlea Village, Sedgwick County, Kansas. Generally located on the northeast corner of Ridge road and University.

**BACKGROUND:** The applicant requests a zone change from "SF-5" Single Family Residential to "LC" Limited Commercial on a 0.85 acre platted tract located on the northeast corner of University and Ridge. The applicant proposes to redevelop the subject property with a restaurant with a drive-through lane. The applicant also has indicated a desire for commercial development on the subject property to have access to University. The subject property is currently developed with a single family residence and an accessory structure.

The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for or in the process of being zoned for commercial uses. The properties to the south and east are zoned "SF-5" Single Family Residential and are developed with single family residences. The property to the west is zoned "LC" Limited Commercial and is developed with a Lowe's. The properties to the north are vacant and are currently zoned "LC" Limited Commercial and "SF-5" Single Family Residential. The properties to the north that are zoned "SF-5" Single Family Residential have been approved for rezoning to "LC" Limited Commercial subject to a pending plat of the property.

Although planning staff finds that "LC" Limited Commercial zoning is appropriate for the subject property, planning staff does not find that a restaurant with a drive-through lane or commercial traffic accessing University are appropriate. In this case, the character of the street, the intensity of traffic, and the potential for "cut-through" traffic using University and Summitlawn all argue against such access. Instead, to buffer commercial development on the subject property from existing residences to the south and east, planning staff recommends that a Protective Overlay be approved that continues the development controls established during the approval of the zoning changes on the adjacent properties to the north. The recommended Protective Overlay limits signage, lighting, noise, and building height; requires a six foot high masonry wall along the south and east property lines; and prohibits certain uses, such as drive-through restaurants, that are less compatible with residential development. If in the future the zoning of the residential properties to the south and east is changed to allow commercial uses, then the provisions of the Protective Overlay could be amended, but planning staff finds that high-intensity, auto-oriented commercial use of the subject property is not appropriate at this time.

Additionally, planning staff recommends that the subject property be replatted to ensure that sufficient street right-of-way, access controls, drainage plans, street improvements, and/or utility easements are in place to support commercial development of the property. More specifically, planning staff will recommend at the time of platting that access to the subject property be limited to a single access drive to Ridge to be shared with the adjoining property to the north, for which a replat was recently approved that required cross-lot access with the subject property. Additionally, although planning staff does not recommend permitting commercial traffic to access University, if access is to be granted to University at the time platting, planning staff will recommend that a guarantee be required to improve the street to commercial standards.

**CASE HISTORY:** The subject property is Lots 5 & 6, Block G, Westerlea Village Addition, which was recorded August 11, 1949.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-5" & "LC"	Undeveloped
SOUTH:	"SF-5"	Single Family
EAST:	"SF-5"	Single Family
WEST:	"LC"	Lowe's

**PUBLIC SERVICES:** The subject property has frontage to Ridge, a five-lane arterial with a raised median with an opening at University, and University, an asphalt-mat local residential street with open ditches. Ridge has a current traffic volume of approximately 21,900 vehicles per day. The 2030 Transportation Plan estimates that the traffic volume for Ridge will increase to approximately 24,500 vehicles per day. Municipal water and sewer services are currently provided to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies the area between Maple, Taft, Ridge, and Summitlawn as appropriate for "Commercial" development. In order for the recommendation of the Land Use Guide to be consistent with the Commercial Locational Guideline regarding commercial traffic not accessing residential streets, the

properties in this area would need to be replatted to front only Ridge, rather than both Ridge and Summitlawn, which would remain a residential street. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the Commercial Locational Guidelines of the Comprehensive Plan recommend that commercially-generated traffic should not feed directly onto local residential streets.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to replatting within one year and subject to the following provisions of a Protective Overlay:

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the face of any building that faces any adjoining property or property across the street from the subject property that is in a residential zoning district.
- B. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any adjoining property or property across the street from the subject property that is in a residential zoning district. Light poles shall be limited to a maximum height of 14 feet.
- C. Outdoor speakers and sound amplification systems shall not be permitted.
- D. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E. A 6 foot high masonry wall shall be constructed parallel to the south and east property lines where property in a residential zoning district adjoins or is across the street the subject property. The masonry wall along the south property line shall be setback from the property line a sufficient distance to provide the required landscaped street yard on the south side of the wall.
- F. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; group home; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment; and vehicle repair.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for or in the process of being zoned for commercial uses. The zoning and land uses are residential to the south and east and commercial to the north and west. All other properties located within the same distance as the subject property from the intersection of Maple and Ridge are zoned for or are in the process of being zoned for commercial uses.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single Family Residential which accommodates moderate-density, single family residential development and complementary land uses. The site is currently developed with a single family residence; however, increasing commercial development at the intersection of Maple and Ridge could make this site less desirable for residential use in the future, especially since the lot has frontage to Ridge, a five lane arterial. Additionally, the site is located under the approach to Mid-Continent Airport, which could make this site less desirable for residential use in the future.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the conditions of a Protective Overlay which would limit signage, lighting, noise, and building height; require a six foot high masonry wall along the south and east property lines; and prohibit certain uses that are less compatible with surrounding residential development.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The subject property is adjacent to an arterial and the recommended conditions of approval should limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the Commercial Locational Guidelines of the Comprehensive Plan recommend that commercially-generated traffic should not feed directly onto local residential streets. The subject property is recommended to be replatted, in part to establish access control along University to prevent commercially-generated traffic from feeding directly onto a local residential street.
5. Impact of the proposed development on community facilities: Detrimental impacts on traffic should be minimized through the replatting process, which should limit access to the subject property to a single shared access drive along Ridge. Other community facilities should not be adversely impacted.

SCOTT KNEBEL, Planning staff presented the staff report and slides. There is a platting issue that will need to be discussed about University. Planning staff recommends that the request be approved subject to re-platting within one year and subject to a Protective Overlay and conditions.

MICHAELIS What if the right turn was only onto University? Would that make a difference?

KNEBEL Yes.

BARFIELD I have a problem with this being a drive-thru restaurant.

KNEBEL We have not recommended that this be a drive-thru. We are only approving the zone change. That is why we have protective overlay conditions.

HENTZEN Traffic lights?

KNEBEL Light at Taft. Taft is a collector.

HENTZEN Go east on University. When do you get shut down from Taft?

KNEBEL It goes maybe 6 or 7 blocks. Primary concern is people will try to avoid the Ridge and Maple intersection by driving through University and the neighborhood.

KIM EDGINGTON Austin Miller, Our proposed use is a drive-thru with a restaurant. That is only one of the proposals. The applicant hasn't decided yet. There are a few things we don't agree with. This is not in a CUP. The restrictions for no off-site or portable signs shall be permitted on the subject property. We would like to at least have that opportunity for a off-site sign available. Condition C – Outdoor speakers would present a problem for us and would like to remove this restriction in case we do have a drive thru window. We would appreciate consideration on condition E. Condition F. drive-in or drive-thru facilities we would like this condition removed. We would agree to a right-turn only, as the Chairman recommended. We would agree to the right-out turn only. Also we would like 2 years for platting to market the property.

BISHOP I note that DAB 5 is June 3<sup>rd</sup> ? Would you opt for a deferral until after the DAB hearing?

EDGINGTON No, we would like to move this along.

BLAKE You may need some more time to plat the property.

EDGINGTON We would like to continue with our original request.

WARREN How many openings on Ridge?

EDGINGTON There is one opening. Staff's position is that they would not prefer the drive along University.

WARREN You want a second opening?

EDGINGTON It would be followed up in the platting process.

MARNELL How much platting time will you need?

EDGINGING Probably two years.

GAROFALO How could you do a right-turn only? How is that enforced?

EDGINGTON With the building of a curb and signs.

WILFORD STUMP, 400 S. Schouller, I still can't figure out how they are going to prevent traffic in our area.

MICHAELIS It will go to Ridge.

STUMP The traffic is bad now. They are waiting on the stop sign and they will go through our neighborhoods.

EDGINGTON We can do everything we can with curbing to prevent turns on University. If it directs it only to the west is probably the only thing that we can do. We want to be a good neighbor.

BISHOP The access that Planning says is one entrance only. The access on University is desirable so they can make the turn? Maybe signalization?

MCKAY You have 30 or 40 single family lots. Taft Street you can't get through on. The driveway on your piece of property has no left turns.

BARFIELD On Condition F, where do these come from?

KNEBEL Those are the conditions that are on the other parcels.

BARFIELD How do you get these conditions.

KNEBEL Because they are less compatible with the residential area.

BARFIELD The COMP plan is where you get them then?

KNEBEL Yes, without the conditions this would be an adverse impact on the neighborhood.

WARNER What is a off-site sign?

KNEBEL A billboard.

MARNELL These restrictions should only apply at the very least if these are going to remain residential on the adjacent properties.

BISHOP There is still a buffer with residential development.

WARREN If you go out and stand there, there is overwhelming commercial development there. I would think that we can go along with a right-only onto University.

**MOTION:** Approve, subject to re-platting within two years and subject to the following provisions of a Protective Overlay:

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the face of any building that faces any adjoining property or property across the street from the subject property that is in a residential zoning district.
- B. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any adjoining property or property across the street from the subject property that is in a residential zoning district. Light poles shall be limited to a maximum height of 14 feet.
- C. Outdoor speakers and sound amplification systems shall not be permitted except for businesses with a drive-thru aisle.
- D. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E. A 6 foot high masonry wall shall be constructed parallel to the south and east property lines where property in a residential zoning district adjoins or is across the street the subject property. The masonry wall along the south property line shall be setback from the property line a sufficient distance to provide the required landscaped street yard on the south side of the wall.
- F. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; group home; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; service station; tavern and drinking establishment; and vehicle repair.

**WARREN** moved, **MARNELL** seconded the motion, and it carried (11-3) **BISHOP, GAROFALO** and **BLAKE** opposed.

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MICHAELIS leaves HENTZEN takes over as Chair.

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**8. 2002 Development Trends Presentation, Presenting Planner: Stephen Banks**

STEPHEN BANKS, Planning Staff gave presentation on Development Trends report.

Commissioners asked miscellaneous questions; ANDERSON asking if the report was used by staff and elected officials in developing the CIP.

KROUT I think that the City and the County use development trends information to help set priorities during CIP discussions.

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**9. Other matters**

KROUT Joe Lang, Law Department, just e-mailed me the substitute motion was in order since the 1st substitute had been defeated. There is no parliamentary limit on the number of times that substitute motions can be offered, but only one can be passed.

HENTZEN Comments about landscape requirements. I think overall this is a good thing, but would like to use caution about how much landscaping we put on corners.

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The Metropolitan Area Planning Department informally adjourned at 3:10 p.m.

State of Kansas     )  
Sedgwick County    ) <sup>ss</sup>

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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Marvin S. Krout, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)